IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12966 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

AHIR SARDULBHAI RAMBHAI

Versus

DISTRICT MAGISTRATE

Appearance:

MR YOGESH S LAKHANI for Petitioner

MR HH PATEL for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/02/2001

ORAL JUDGEMENT

#. The petitioner is detained as a bootlegger. Challenging the order of detention, learned counsel for the petitioner raised manifold contentions but as this petition deserves to be allowed only on one ground, it is not necessary to refer, discuss and decide on all other

contentions.

#. It is contended that there is a delay in verification of the statements of confidential witnesses. The statements of confidential witnesses came to be recorded on 16-8-2000. Thereafter all these statements were verified by the respondent No.1 District Magistrate on 19-10-2000 and this detention order has been made on 21-10-2000. So there is a delay of more than two months in the verification.

#. Learned counsel for the respondents failed to give out any explanation for this delay in verification.

#. From the documents annexure `A' and `B' I find that this order has been prepared in the month of September, 2000. The grounds of detention have also been framed in September, 2000. Last offence has been registered on 30th July, 2000 and this order has been prepared, as stated earlier, in September, 2000 but the order was not made. Thereafter to patch this delay in between the last offence and the date of detention, there is all possibility that the statements have been verified of the confidential witnesses recorded on 16-8-2000 and the order has also been made in September, 2000, but verification has not been done. From these facts, it is very doubtful case and it is difficult to accept that the detaining authority has applied its mind in the matter. It is a clear case where the petitioner has been possibly booked for some other extraneous considerations and reasons.

#. In the result, this petition succeeds and the same is allowed. The order of detention of the petitioner dated 21-10-2000 is quashed and set aside. The petitioner Ahir Sardulbhai Rambhai, detenu, at present in Junagadh Jail, be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. No order as to costs.

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zgs/-